

To the Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the application of:

Inventor: Frondoza et al

Serial No.: 10/731,366

Filed: December 9, 2003

For: METHOD FOR COMPOSITE CELL-BASED IMPLANTS

- [X] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- [ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- [X] No additional fee is required.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD. FEE	OR	RATE	ADD. FEE	
TOTAL	7	MINUS	** 23	0	x 25	\$0		x 50	\$	
INDEP	1	MINUS	*** 4	0	x 100	\$0		x 200	\$	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+180	\$	+360	\$	
						TOTAL	\$0	OR	TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [ ] Please charge my Deposit Account No. 02-2839 in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- [ ] A check in the amount of \$ \_\_\_\_\_ is attached.
- [X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-2839. A duplicate copy of this sheet is enclosed.
- [X] Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- [X] Any patent application processing fees under 37 CFR 1.17.

Case Docket No. 03409-PA-DIV (0074.0021)  
FORM PTO-1083

  
Sam Rosen  
Reg. No. 37,991

7- 288-06  
JRW

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EV 621147025 US

To Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Our Docket No. 03409-PA-DIV  
(0074.0021)

CERTIFICATE OF TRANSMISSION  
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.  
Date: July 27, 2006  
Express Mail Label No.: EV 621147025 US  
By: *Judy Robertson*

Dear Sir:

Enclosed herewith please find the following:

1. Response to Restriction Requirement.
2. Form PTO-1083.
3. Our post card. (Please date stamp and return.)

No additional fees are required.

Respectfully submitted,

*Sam Rosen*  
Sam Rosen

SR/jjr  
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frondoza et al \*  
Serial No. 10/731,366 \*  
Filed: December 9, 2003 \*  
For: METHOD FOR COMPOSITE  
CELL-BASED IMPLANTS \*  
Examiner: Mr. David Guzo  
\* \*

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Claims:

Claims 1-35 (canceled).

Claim 36 (original): A method for replacing a tissue or body part or filling a void in a tissue comprising (1) preparing a solid implant; (2) preparing an injectable cell-containing formulation; (3) implanting the solid implant into a cavity or defect in the tissue; and (4) injecting the injectable cell-containing formulation into the interstices between the tissue and the solid implant.

Claim 37 (original): The method of Claim 36 in which the solid implant contains cells.

Claim 38 (original): The method of Claim 36 wherein the cells are chondrocytes.

Claims 39-53 (canceled).